Ex. 4

1 Kathleen Sullivan (SBN 242261)
   kathleensullivan@quinnemanuel.com
2 QUINN EMANUEL URQUHART &
   SULLIVAN LLP
3 51 Madison Avenue, 22nd Floor
   New York, NY 10010
4 Telephone: (212) 849-7000
   Facsimile: (212) 849-7100
5
   Sean S. Pak (SBN 219032)
6 seanpak@quinnemanuel.com
   John M. Neukom (SBN 275887)
7 johnneukom@quinnemanuel.com.
   QUINN EMANUEL URQUHART &
8 SULLIVAN LLP
   50 California Street, 22nd Floor
9 San Francisco, CA 94111
   Telephone: (415) 875-6600
10 Facsimile: (415) 875-6700
11 Mark Tung (SBN 245782)
   marktung@quinnemanuel.com
12 QUINN EMANUEL URQUHART &
   SULLIVAN LLP
13 555 Twin Dolphin Drive, 5th Floor
   Redwood Shores, CA 94065
14 Telephone: (650) 801-5000
   Facsimile: (650) 801-5100
15

Steven Cherny (admitted *pro hac vice*)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California   94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)
michael.devries@kirkland.com
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

16 *Attorneys for Plaintiff Cisco Systems, Inc.*

17   **UNITED STATES DISTRICT COURT**

18   **NORTHERN DISTRICT OF CALIFORNIA**

19 CISCO SYSTEMS, INC.,   )   CASE NO.   5:14-cv-05344-BLF
)
20   Plaintiff,   )
)
21   v.   )   **PLAINTIFF CISCO SYSTEMS, INC.'S**
)   **SECOND SUPPLEMENTAL**
)   **OBJECTIONS AND RESPONSES TO**
22 ARISTA NETWORKS, INC.,   )   **DEFENDANT ARISTA NETWORKS,**
)   **INC.'S FIRST SET OF**
23   Defendant.   )   **INTERROGATORIES**
)
24 _____   )

25

26

27

28

1   Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Cisco

2   Systems, Inc. ("Cisco"), by counsel, hereby provides its second supplemental objections and

3   responses to Defendant Arista Networks, Inc.'s ("Arista's") First Set of Interrogatories, which

4   were served on Cisco on April 10, 2015 (the "Interrogatories").

5   **GENERAL OBJECTIONS**

6   Cisco makes the following general objections to Arista's Interrogatories, which apply to

7   each interrogatory regardless of whether the general objections are specifically incorporated into

8   the specific objections and responses below.

9   1.   Cisco is responding to each interrogatory as it interprets and understands each

10 interrogatory with respect to the issues in this Litigation.   If Arista asserts a different

11 interpretation of any interrogatory, Cisco reserves the right to supplement or amend its responses

12 or objections.

13   2.   Cisco objects to each interrogatory to the extent it is inconsistent with or seeks to

14 impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Civil and

15 Patent Local Rules of the Northern District of California, and any orders governing this Litigation.

16   3.   Cisco objects to the definitions of "Cisco," "You," and "Your," to the extent that

17 the definitions are overly broad and purport to require Cisco to provide information that is not

18 within the possession, custody, or control of Cisco.

19   4.   Cisco objects to Arista's definition of "Asserted Patents" and "Asserted Claim" to

20 the extent that Arista's use of those terms in its interrogatories to Cisco renders certain of Arista's

21 Interrogatories as constituting multiple discrete subparts that are in fact multiple, separate

22 interrogatories.

23   5.   Cisco objects to the definitions of "CLI Command" and "Network Management

24 Product" to the extent that these terms are vague and ambiguous with respect to their scope and

25 application as used by Arista, rendering these terms at least potentially unclear with respect to

26 what particular devices are intended to be incorporated thereby, and further on the grounds that

27 use of the terms in Arista's Interrogatories renders those interrogatories overbroad and unduly

28 burdensome to the extent that the discovery sought by such interrogatories is not reasonably tied to

1 necessary to understand the relevant structure, function, and operation of Cisco's products relevant

2 to this Litigation.

3   23.   Cisco objects to each interrogatory as premature to the extent it calls for documents

4 or information that is the subject of later disclosure deadlines in this Litigation and/or expert

5 reports and testimony, including as set forth in Rule 26(a)(2) of the Federal Rules of Civil

6 Procedure, the Patent Local Rules of the Northern District of California, and the Case

7 Management Order to be entered in this Litigation.

8   24.   Any Cisco response that it will provide information or produce documents should

9 not be construed to mean that responsive information or documents in fact exist; only that, if such

10 relevant, non-privileged, non-objectionable information or documents exist, are in Cisco's

11 possession, custody, or control, and are located after a reasonable search of the location or

12 locations where responsive information or documents are likely to be located, such information or

13 documents will be produced in a timely manner.

14   25.   Cisco further reserves all rights to supplement its responses to Arista's

15 Interrogatories in compliance with the Federal Rules of Civil Procedure, including under Rule

16 26(e), as well as the Civil and Patent Local Rules of the Northern District of California and any

17 orders governing this Litigation, and as Cisco's investigation and discovery proceeds in this

18 Litigation.

19 <div align="center">**RESPONSES TO INTERROGATORIES**</div>

20

21 **INTERROGATORY NO. 2:**

22   Identify with specificity every similarity that Cisco contends is a basis for its claim of

23 copyright infringement, including the source material in Cisco's copyrighted work(s) that Cisco

24 contends is the source of the similarity; the material in the allegedly infringing work(s) that Cisco

25 contends reflects the similarity, and why Cisco contends that the source material is protected by

26 copyright.

27

28

1   **RESPONSE TO INTERROGATORY NO. 2:**

2   Cisco incorporates by reference its General Objections as though fully set forth herein.

3   Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

4   of admissible evidence to the extent it calls for evidence pertaining to specific similarities between

5   Cisco's copyrighted works and Arista's accused products.   Cisco further objects to this

6   interrogatory to the extent that it calls for information that is publicly available, equally available

7   to Arista, and/or in Arista's control, and therefore is of no greater burden for Arista to obtain than

8   for Cisco to obtain.   Cisco further objects to this interrogatory as compound.   Cisco also objects

9   to this interrogatory as undefined, vague, ambiguous, overbroad, and unduly burdensome in its use

10   of the terms "with specificity," "every similarity," "why Cisco contends that the source material is

11   protected by copyright."   Cisco further objects to this interrogatory as premature contention

12   discovery, especially in light of Arista's failure to produce information regarding its accused

13   products, including source code.   Cisco further objects to this interrogatory on the grounds that it

14   prematurely seeks expert testimony.   Cisco further objects to this interrogatory to the extent it

15   seeks information that is protected by the attorney-client privilege, that constitutes attorney work-

16   product, or that is protected by any other applicable privilege, protection, or immunity, including

17   without limitation in connection with the common interest doctrine.

18   Subject to and without waiver of its general and specific objections, Cisco incorporates by

19   reference, as if fully set forth herein, its operative complaint and all documents cited therein,

20   including Cisco's copyright registrations as well as any subsequent amendments thereto.   Cisco

21   further responds, pursuant to Fed. R. Civ. P. 33(d), that Cisco will produce documents containing

22   information responsive to this interrogatory, which information may be obtained from the

23   documents by Arista as easily as by Cisco.

24   In addition to the examples set forth in Exhibits 1 and 2 to Cisco's operative complaint,

25   Cisco identifies in Exhibit A similarities between Cisco's copyrighted works and Arista products.

26   Each of the Cisco works cited in Exhibit A is protected by copyright because each of these works

27   constitutes an original work of authorship fixed in a tangible medium of expression.   Each Cisco

28   work in Exhibit A contains expressive content, which is the subject of copyright protection.

1   Further, each Cisco document cited in Exhibit A was first published in the United States and was

2   authored by at least one author who is a national or domiciliary of the United States.   *See, e.g.,*

3   Cisco copyright registrations attached to Cisco's operative complaint. Cisco has complied with all

4   applicable statutory formalities related to these copyrighted works.   Additionally, because many

5   of the Cisco works cited in Exhibit A were deposited with copyright registrations within five years

6   of publication, the certificate of registration for these documents constitutes prima facie evidence

7   of the validity of the underlying copyrights.   *See, e.g.,* Cisco copyright registrations attached to

8   Cisco's operative complaint.   For the remainder of the Cisco works cited in Exhibit A, the

9   copyright registration certificates constitute evidence of the validity of Cisco's copyrights.

10   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

11   supplement this response in light of facts learned during discovery, including information

12   regarding Arista's accused products and expert discovery.

13

14   **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

15   Subject to and without waiver of its general and specific objections, Cisco further responds

16   as follows:

17   The similarity between Cisco's copyrighted works and Arista's accused products is also

18   evidenced by Arista's copying of numerous multi-word command expressions from Cisco's

19   copyrighted works.   Each of those command expressions identified by Cisco in its copyrighted

20   works represents an original, creative expression.   Attached as Exhibit B is a more

21   comprehensive listing of the multiword command expressions from Cisco's copyrighted works

22   that were copied by Arista, as well as the version(s) of Arista's infringing works that contain these

23   protected elements.

24   Arista also has copied Cisco's copyrighted command hierarchies.   The organization of

25   Cisco's command expressions represents an original, creative contribution to Cisco's copyrighted

26   works.   Because Cisco's command expressions are organized hierarchically, the copying of

27   Cisco's command expressions, described in Exhibit B, itself reflects Arista's copying of Cisco's

28   command hierarchies.

1   Arista has also copied Cisco's command modes and prompts, which also represent original

2 and creative contributions to Cisco's copyrighted works.   For example, Cisco's copyrighted

3 works include "EXEC," "Privileged EXEC," "Global configuration," and "Interface

4 configuration" modes, the names of which are duplicated in Arista's infringing products, using

5 substantially similar prompts.   Attached as Exhibit C is a more comprehensive listing of the

6 command modes and prompts from Cisco's copyrighted works that were copied by Arista, as well

7 as the version(s) of Arista's infringing works that contain these protected elements.

8   Because the burden of finding each of these command expressions, command hierarchies,

9 and command modes and prompts in the copyrighted works and the infringing works is the same

10 for Arista as it is for Cisco, pursuant to Fed. R. Civ. P. 33(d), Cisco identifies the following

11 documents as containing responsive information:

12   IOS v. 11.0: Source Code, CSI-CLI-00403865.

13   IOS v. 11.1: Source Code, CSI-CLI-00403866.

14   IOS v. 11.2: Source Code, CSI-CLI-00403867.

15   IOS v. 11.3: Source Code, CSI-CLI-00403868.

16   IOS v. 12.0: Source Code, CSI-CLI-00403869.

17   IOS v. 12.1: Source Code, CSI-CLI-00403870.

18   IOS v. 12.2: Source Code, CSI-CLI-00403871.

19   IOS v. 12.3: Source Code, CSI-CLI-00403872, CSI-CLI-00403874.

20   IOS v. 12.4: Source Code, CSI-CLI-00403873.

21   IOS v. 15.0: Source Code, CSI-CLI-00054598 – CSI-CLI-00074027, CSI-CLI-00216957 –

22 CSI-CLI-00217612, CSI-CLI-00223197 – CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-

23 00226709, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00271385 – CSI-CLI-00271914,

24 CSI-CLI-00274107 – CSI-CLI-00274387, CSI-CLI-00275376 – CSI-CLI-00276837, CSI-CLI-

25 00314732 – CSI-CLI-00314943, CSI-CLI-00316210 – CSI-CLI-00317412, CSI-CLI-00317634 –

26 CSI-CLI-00317847, CSI-CLI-00318351 – CSI-CLI-00318532, CSI-CLI-00319252 – CSI-CLI-

27 00321189, CSI-CLI-00324036 – CSI-CLI-00324389, CSI-CLI-00325497 – CSI-CLI-00325713,

28

1　CSI-CLI-00332893 – CSI-CLI-00345450, CSI-CLI-00348572 – CSI-CLI-00348689, CSI-CLI-

2　00350066 – CSI-CLI-00351948.

3　　　　IOS v. 15.1: Source Code, CSI-CLI-00034689 – CSI-CLI-00054565, CSI-CLI-00223197 –

4　CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-00226414, CSI-CLI-00226710 – CSI-CLI-

5　00227953, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00314422 – CSI-CLI-00314731,

6　CSI-CLI-00314944 – CSI-CLI-00316209, CSI-CLI-00317413 – CSI-CLI-00317633, CSI-CLI-

7　00317848 – CSI-CLI-00318350, CSI-CLI-00318533 – CSI-CLI-00319251, CSI-CLI-00319765 –

8　CSI-CLI-00325376, CSI-CLI-00325497 – CSI-CLI-00325713, CSI-CLI-00333135 – CSI-CLI-

9　00333809, CSI-CLI-00337967 – CSI-CLI-00338200, CSI-CLI-00338481 – CSI-CLI-00338696,

10　CSI-CLI-00338941 – CSI-CLI-00339290, CSI-CLI-00345451 – CSI-CLI-00354832.

11　　　　IOS v. 15.2: Source Code, CSI-CLI-00024968 – CSI-CLI-00034688, CSI-CLI-00074028 –

12　CSI-CLI-00074113, CSI-CLI-00091773 – CSI-CLI-00091888, CSI-CLI-00098678 – CSI-CLI-

13　00099910, CSI-CLI-00101493 – CSI-CLI-00101653, CSI-CLI-00102320 – CSI-CLI-00102428,

14　CSI-CLI-00102615 – CSI-CLI-00102827, CSI-CLI-00104206 – CSI-CLI-00104306, CSI-CLI-

15　00105599 – CSI-CLI-00105706, CSI-CLI-00106165 – CSI-CLI-00106403, CSI-CLI-00107100 –

16　CSI-CLI-00107198, CSI-CLI-00108121 – CSI-CLI-00110637, CSI-CLI-00142102 – CSI-CLI-

17　142151, CSI-CLI-00145892 – CSI-CLI-00145912, CSI-CLI-00146305 – CSI-CLI-00146361,

18　CSI-CLI-00146494 – CSI-CLI-00146672, CSI-CLI-00150117 – CSI-CLI-00150301, CSI-CLI-

19　00151700 – CSI-CLI-00151794, CSI-CLI-00153045 – CSI-CLI-00154056, CSI-CLI-00154957 –

20　CSI-CLI-00154967, CSI-CLI-00161254 – CSI-CLI-00161264, CSI-CLI-00162423 – CSI-CLI-

21　00162433, CSI-CLI-00162764 – CSI-CLI-00163054, CSI-CLI-00163297 – CSI-CLI-00163575,

22　CSI-CLI-00163892 – CSI-CLI-00163997, CSI-CLI-00167730 – CSI-CLI-00168576, CSI-CLI-

23　00168785 – CSI-CLI-00170897, CSI-CLI-00171210 – CSI-CLI-00171263, CSI-CLI-00173118 –

24　CSI-CLI-00173146, CSI-CLI-00227954 – CSI-CLI-00228224, CSI-CLI-00236536 – CSI-CLI-

25　00237167, CSI-CLI-00237495 – CSI-CLI-00239781, CSI-CLI-00241096 – CSI-CLI-00248137,

26　CSI-CLI-00276838 – CSI-CLI-00288213, CSI-CLI-00288322 – CSI-CLI-00289855, CSI-CLI-

27　00292982 – CSI-CLI-00294561.

28

1   IOS v. 15.4: Source Code, CSI-CLI-00074114 – CSI-CLI-00091772, CSI-CLI-00091889 –

2   CSI-CLI-00098677, CSI-CLI-00217613 – CSI-CLI-00223196 – CSI-CLI-00224078,   CSI-CLI-

3   00224079 – CSI-CLI-00226299, CSI-CLI-00276838 – CSI-CLI-00277169, CSI-CLI-00289856 –

4   CSI-CLI-00310345, CSI-CLI-00325714 – CSI-CLI-00332892.

5   IOS XR v. 3.0: Source Code, CSI-CLI-00359263 – CSI-CLI-00362850.

6   IOS XR v. 3.2: Source Code, CSI-CLI-00362851 – CSI-CLI-00370474.

7   IOS XR v. 3.3: Source Code, CSI-CLI-00370475 – CSI-CLI-00380671.

8   IOS XR v. 3.4: Source Code, CSI-CLI-00380672 – CSI-CLI-00389727.

9   IOS XR v. 3.5: Source Code, CSI-CLI-00389728 – CSI-CLI-00403864.

10   IOS XR v. 4.3: Source Code, CSI-CLI-00099911 – CSI-CLI-00101492, CSI-CLI-

11   00101654 – CSI-CLI-00102319, CSI-CLI-00102429 – CSI-CLI-00102614, CSI-CLI-00102828 –

12   CSI-CLI-00104205, CSI-CLI-00104307 – CSI-CLI-00105598, CSI-CLI-00105707 – CSI-CLI-

13   00106164, CSI-CLI-00106404 – CSI-CLI-00107099, CSI-CLI-00107199 – CSI-CLI-00108120,

14   CSI-CLI-00102732 – CSI-CLI-00127155, CSI-CLI-00137956 – CSI-CLI-00142101, CSI-CLI-

15   00142214 - CSI-CLI-00142101 – CSI-CLI-00143091, CSI-CLI-00143160 – CSI-CLI-00145891,

16   CSI-CLI-00145913 – CSI-CLI-00146304, CSI-CLI-00146362 – CSI-CLI-00146493, CSI-CLI-

17   00146673 – CSI-CLI-00150166, CSI-CLI-00150302 – CSI-CLI-00151699, CSI-CLI-00151795 –

18   CSI-CLI-00153044, CSI-CLI-00154057 – CSI-CLI-00154956, CSI-CLI-00154968 – CSI-CLI-

19   00161253, CSI-CLI-00161265 – CSI-CLI-00162422, CSI-CLI-00162434 – CSI-CLI-00162763,

20   CSI-CLI-00163998 – CSI-CLI-00167729, CSI-CLI-00168577 – CSI-CLI-00168784, CSI-CLI-

21   00170898 – CSI-CLI-00171209, CSI-CLI-00171264 – CSI-CLI-00173117, CSI-CLI-00173147 –

22   CSI-CLI-00173412.

23   IOS XR v. 5.2: Source Code, CSI-CLI-00110638 – CSI-CLI-00123731, CSI-CLI-

24   00127156 – CSI-CLI-00137955, CSI-CLI-00142152 – CSI-CLI-00142213, CSI-CLI-00143092 –

25   CSI-CLI-00143159, CSI-CLI-00163055 – CSI-CLI-00163296, CSI-CLI-00163576 – CSI-CLI-

26   00163891, CSI-CLI-00189310 – CSI-CLI-00191711.

27   IOS XE v. 2.1: Source Code, CSI-CLI-00229755 – CSI-CLI-00236535, CSI-CLI-

28   00268939 – CSI-CLI-00271384, CSI-CLI-00271915 – CSI-CLI-00274106, CSI-CLI-00274388 –

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1   CSI-CLI-00276837, CSI-CLI-00313895 – CSI-CLI-00314421, CSI-CLI-00325377 – CSI-CLI-

2   00325496.

3   IOS XE v. 3.5: Source Code, CSI-CLI-00180764 – CSI-CLI-00189309, CSI-CLI-

4   00228225 – CSI-CLI-00229754, CSI-CLI-00236536 – CSI-CLI-00236768, CSI-CLI-00237168 –

5   CSI-CLI-00237494, CSI-CLI-00237785 – CSI-CLI-00237793, CSI-CLI-00239782 – CSI-CLI-

6   00241095, CSI-CLI-00248138 – CSI-CLI-00267772, CSI-CLI-00277170 – CSI-CLI-00277359,

7   CSI-CLI-00288214 – CSI-CLI-00288321, CSI-CLI-00288673 – CSI-CLI-00289121, CSI-CLI-

8   00310346 – CSI-CLI-00313894.

9   NX-OS v. 4.0: Source Code, CSI-CLI-00054566 – CSI-CLI-00054597, CSI-CLI-

10   00191712 – CSI-CLI-00192226, CSI-CLI-00202929 – CSI-CLI-00207082.

11   NX-OS v. 5.0: Source Code, CSI-CLI-00173413 – CSI-CLI-00176459, CSI-CLI-

12   00196923 – CSI-CLI-00197194, CSI-CLI-00197411 – CSI-CLI-00197600, CSI-CLI-00199585 –

13   CSI-CLI-00200362, CSI-CLI-00201361 – CSI-CLI-00201380, CSI-CLI-00201823 – CSI-CLI-

14   00201848, CSI-CLI-00207083 – CSI-CLI-00212262, CSI-CLI-00216926 – CSI-CLI-00216955.

15   NX-OS v. 5.2: Source Code, CSI-CLI-00176460 – CSI-CLI-00178217, CSI-CLI-

16   00196489 – CSI-CLI-00196922, CSI-CLI-00197195 – CSI-CLI-00197410, CSI-CLI-00197601 –

17   CSI-CLI-00199584, CSI-CLI-00200363 – CSI-CLI-00201360, CSI-CLI-00201381 – CSI-CLI-

18   00201822, CSI-CLI-00201849 – CSI-CLI-00202928.

19   NX-OS v. 6.2: Source Code, CSI-CLI-00178218 – CSI-CLI-00180763, CSI-CLI-

20   00192227 – CSI-CLI-00196488, CSI-CLI-00212263 – CSI-CLI-00216925.

21   EOS 4.0.1: Source Code, CSI-CLI-00007244 – CSI-CLI-00007472.

22   EOS 4.6.2: Source Code, CSI-CLI-00006858 – CSI-CLI-00007243.

23   EOS 4.10.0: Source Code, CSI-CLI-00007841 – CSI-CLI-00008984.

24   EOS 4.11.1.2: Source Code, CSI-CLI-00010517 – CSI-CLI-00011972.

25   EOS 4.12.4: Source Code, CSI-CLI-00014141 – CSI-CLI-00016000.

26   EOS 4.13.6F: Source Code, CSI-CLI-00016001 – CSI-CLI-00018140.

27   EOS 4.13.7M: Source Code, CSI-CLI-00011973 – CSI-CLI-00014140.

28   EOS 4.14.3F: Source Code, CSI-CLI-00018146 – CSI-CLI-00020377.

1   EOS 4.14.5F: Source Code, CSI-CLI-00000084 – CSI-CLI-00002331.

2   EOS 4.14.6M: Source Code, CSI-CLI-00004616 – CSI-CLI-00006857.

3   EOS 4.15.0F: Source Code, CSI-CLI-00002332 – CSI-CLI-00004615.

4   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

5   supplement this response in light of facts learned during discovery, including information

6   regarding Arista's accused products (including source code and other non-public materials) and

7   expert discovery.

8

9

10   **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

11   Subject to and without waiver of its general and specific objections, Cisco further responds

12   as follows:

13   Arista has copied Cisco's copyrighted command hierarchy and the structure, sequence and

14   organization of Cisco's command expressions.   Cisco's command expressions are organized

15   hierarchically such that certain groups and sub-groups of command expressions can be identified.

16   For example, paragraph 52 of Cisco's Second Amended Complaint for Copyright and Patent

17   Infringement (Dkt. 64) identify various command hierarchies (e.g., "aaa" command hierarchy,

18   "bgp" command hierarchy, "clear" command hierarchy, "dot1x" command hierarchy, "ip"

19   command hierarchy, "ipv6" command hierarchy, "neighbor" command hierarchy, "show"

20   command hierarchy, "snmp-server" command hierarchy, "spanning-tree" command hierarchy,

21   "vrrp" command hierarchy, and other command expressions and hierarchies).   Within a given

22   command hierarchy, all of the commands start with the same word; for example, all of the

23   commands within the "aaa" command hierarchy start with "aaa."   The Second Amended

24   Complaint further identifies sub-hierarchies within a command hierarchy (e.g., "ip dhcp" sub-

25   hierarchy, "ip igmp" sub-hierarchy, "ip msdp" sub-hierarchy, "ip ospf" sub-hierarchy, "ip pim"

26   sub-hierarchy, "ipv6 nd" sub-hierarchy, "ipv6 ospf" sub-hierarchy, "show interfaces" sub-

27   hierarchy, "show ipv6" sub-hierarchy).   Within a given command sub-hierarchy, all of the

28   commands start with the same two words; for example, all of the commands within the "ip dhcp"

1 sub-hierarchy start with "ip dhcp."   There can be further sub-hierarchies within a given sub-

2 hierarchy.   One way to demonstrate the hierarchy and organization of Cisco's command

3 expressions visually is through the use of a tree structure.   An example tree structure of a portion

4 of the "ip" command hierarchy is provided in Exhibit D.   Arista's copied commands are

5 organized into the same hierarchies and sub-hierarchies and have the same tree structure.

6   Arista also has copied Cisco's command responses and their organization.   Cisco's

7 command responses constitute original, creative contributions to Cisco's copyrighted works.

8 Attached as Exhibit E is a listing of some command responses from Cisco's copyrighted works

9 that were copied by Arista, as well as the version(s) of Arista's infringing works that contain these

10 protected elements.   In addition, Arista has copied the non-literal elements of Cisco's command

11 responses, including their structure, sequence and organization as also shown in Exhibit E.   The

12 command responses identified in Exhibit E are exemplary only, as Cisco's investigation is

13 ongoing.

14   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

15 supplement this response in light of facts learned during discovery, including information

16 regarding Arista's accused products (including screenshots, source code and other non-public

17 materials) and expert discovery.

18

19

20 **INTERROGATORY NO. 5:**

21   State in detail the derivation of each CLI Command used by Cisco, including without

22 limitation all CLI Commands that You contend Arista has unlawfully copied.

23

24 **RESPONSE TO INTERROGATORY NO. 5:**

25   Cisco incorporates by reference its General Objections as though fully set forth herein.

26 Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

27 of admissible evidence to the extent it (1) calls for evidence pertaining to specific similarities

28 between Cisco's copyrighted works and individual CLI commands copied by Arista, (2) seeks

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1   DATED: September 1, 2015   Respectfully submitted,

2
                                              /s/ Sean S. Pak
3
                                              Kathleen Sullivan (SBN 242261)
4   kathleensullivan@quinnemanuel.com
                                              QUINN EMANUEL URQUHART &
5   SULLIVAN LLP
                                              51 Madison Avenue, 22nd Floor
6   New York, NY 10010
                                              Telephone: (212) 849-7000
7   Facsimile: (212) 849-7100

8   Sean S. Pak (SBN 219032)
                                              seanpak@quinnemanuel.com
9   John M. Neukom (SBN 275887)
                                              johnneukom@quinnemanuel.com.
10   QUINN EMANUEL URQUHART &
                                              SULLIVAN LLP
11   50 California Street, 22nd Floor
                                              San Francisco, CA 94111
12   Telephone: (415) 875-6600
                                              Facsimile: (415) 875-6700
13
                                              Mark Tung (SBN 245782)
14   marktung@quinnemanuel.com
                                              QUINN EMANUEL URQUHART &
15   SULLIVAN LLP
                                              555 Twin Dolphin Drive, 5th Floor
16   Redwood Shores, CA 94065
                                              Telephone: (650) 801-5000
17   Facsimile: (650) 801-5100

18   Steven Cherny (admitted *pro hac vice*)
                                              steven.cherny@kirkland.com
19   KIRKLAND & ELLIS LLP
                                              601 Lexington Avenue
20   New York, New York 10022
                                              Telephone: (212) 446-4800
21   Facsimile: (212) 446-4900

22   Adam R. Alper (SBN 196834)
                                              adam.alper@kirkland.com
23   KIRKLAND & ELLIS LLP
                                              555 California Street
24   San Francisco, California   94104
                                              Telephone: (415) 439-1400
25   Facsimile: (415) 439-1500

26   Michael W. De Vries (SBN 211001)
                                              michael.devries@kirkland.com
27   KIRKLAND & ELLIS LLP
                                              333 South Hope Street
28   Los Angeles, California 90071

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1

Telephone: (213) 680-8400
Facsimile: (213) 680-8500

2

Attorneys for Plaintiff Cisco Systems, Inc.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1

PROOF OF SERVICE

2

I hereby certify that, at the date entered below and per the agreement of the parties, I

3

caused a true and correct copy of the foregoing to be served by transmission via the email

4

addresses below:

5

Juanita R. Brooks	Brian L. Ferrall
brooks@fr.com	BFerrall@kvn.com
Fish & Richardson P.C.	Michael S. Kwun
12390 El Camino Real	mkwun@kvn.com
San Diego, CA 92130-2081	David J. Silbert
	dsilbert@kvn.com
Kelly C. Hunsaker	Robert Van Nest
hunsaker@fr.com	rvannest@kvn.com
Fish & Richardson PC	Arista-KVN@kvn.com
500 Arguello Street, Suite 500	Keker & Van Nest LLP
Redwood City, CA 94063	633 Battery Street
	San Francisco, CA 94111-1809
Ruffin B. Cordell	
cordell@fr.com	
Lauren A. Degnan	
degnan@fr.com	
Michael J. McKeon	
mckeon@fr.com	
Fish & Richardson PC	
1425 K Street NW	
11th Floor	
Washington, DC 20005	

6

7

8

9

10

11

12

13

14

15

16

17

18

I declare under penalty of perjury that the foregoing is true and correct.   Executed on

19

September 1, 2015, at Berkeley, California.

20

21

/s/ Matthew D. Cannon

Matthew D. Cannon

22

23

24

25

26

27

28

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

Exhibit D to Cisco's Second Supplemental Objections and Responses to Arista's First Set of Interrogatories
(Exemplary portion of "ip" command hierarchy)

```
                                    ┌────┐
                                    │ ip │
                                    └────┘
  ┌──────────────┬──────────────┬─────────┬──────────┬──────────────────┬────────┬──────┬────────┐
┌──────────────┐ ┌────────────┐ ┌────────┐ ┌─────────┐ ┌────────────────┐ ┌──────┐  ...  ┌────────┐
│ access-group │ │access-list │ │address │ │as-path  │ │ community-list │ │ dhcp │       │ tacacs │
└──────────────┘ └────────────┘ └────────┘ └─────────┘ └────────────────┘ └──────┘       └────────┘
                       │                         │          ┌──────┴──────┐      │
                 ┌──────────┐             ┌─────────────┐ ┌──────────┐ ┌──────────┐
                 │ standard │             │ access-list │ │ expanded │ │ standard │
                 └──────────┘             └─────────────┘ └──────────┘ └──────────┘
```


Figure: "ip" command hierarchy tree with nodes: ip branching to access-group, access-list (→ standard), address, as-path (→ access-list), community-list (→ expanded, standard), dhcp, … , tacacs. dhcp branches to smart-relay (→ global) and snooping (→ vlan, information → option).
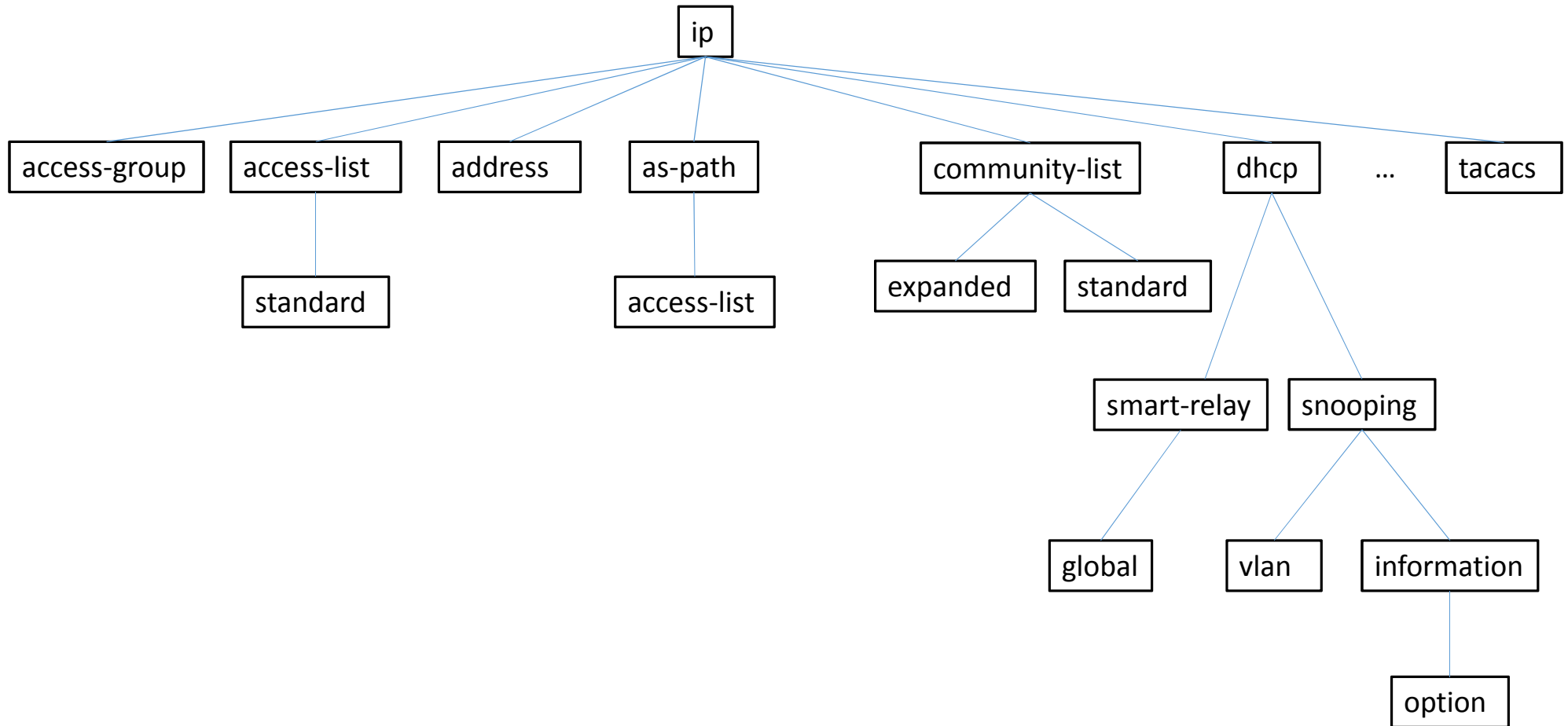
Exhibit E: Exemplary Copying of Command Responses

Copyright Registration Information	Cisco	Arista

Cisco IOS XE 3.5
 	
Effective date of registration: 11/24/2014
	``
	Router# show interfaces atm 0/0/0
	ATM0/0/0 is up, line protocol is up
	 Hardware is cyBus ATM
	 Internet address is 10.1.1.1/24
	 MTU 4470 bytes, sub MTU 4470, BW 156250 Kbit, DLY 80 usec, rely 255/255, load 1/255
	 Encapsulation ATM, loopback not set, keepalive set (10 sec)
	 Encapsulation(s): AAL5, PVC mode
	 256 TX buffers, 256 RX buffers,
	 2048 maximum active VCs, 1024 VCs per VP, 1 current VCCs
	 VC idle disconnect time: 300 seconds
	 Last input never, output 00:00:05, output hang never
	 Last clearing of "show interface" counters never
	 Queueing strategy: fifo
	 Output queue 0/40, 0 drops; input queue 0/75, 0 drops
	 5 minute input rate 0 bits/sec, 1 packets/sec
	 5 minute output rate 0 bits/sec, 1 packets/sec
	  5 packets input, 560 bytes, 0 no buffer
	  Received 0 broadcasts, 0 runts, 0 giants
	  0 input errors, 0 CRC, 0 frame, 0 overrun, 0 ignored, 0 abort
	  5 packets output, 560 bytes, 0 underruns
	  0 output errors, 0 collisions, 0 interface resets
	  0 output buffer failures, 0 output buffers swapped out
	``
	
	Cisco IOS Asynchronous Transfer Mode Command Reference (2011), at 476
		Examples
		• These commands display interface counters, clear the counters, then display the counters again.
		
		``
		switch#show interfaces ethernet 1
		Ethernet1 is up, line protocol is up (connected)
		  Hardware is Ethernet, address is 001c.7302.2fff (bia 001c.7302.2fff)
		  MTU 9212 bytes, BW 10000000 Kbit
		  Full-duplex, 10Gb/s, auto negotiation: off
		  Last clearing of "show interface" counters never
		  5 minutes input rate 001 bps (0.0% with framing), 0 packets/sec
		  5 minutes output rate 0 bps (0.0% with framing), 0 packets/sec
		    228570854005 packets input, 225028582832583 bytes
		    Received 29769609741 broadcasts, 3073437605 multicast
		    113 runts, 1 giants
		    118 input errors, 117 CRC, 0 alignment, 18 symbol
		    27511409 PAUSE input
		    335031607678 packets output, 27845413138330 bytes
		    Sent 14282316688 broadcasts, 54045824072 multicast
		    108 output errors, 0 collisions
		    0 late collision, 0 deferred
		    0 PAUSE output
		``
		
		Arista User Manual v. 4.13.6F (4/14/2014), at 637

Cisco IOS 12.4
 	
Effective date of registration: 8/12/2005
	``
	Router# show ip route
	
	Codes: C - connected, S - static, I - IGRP, R - RIP, M - mobile, B - BGP
	       D - EIGRP, EX - EIGRP external, O - OSPF, IA - OSPF inter area
	       N1 - OSPF NSSA external type 1, N2 - OSPF NSSA external type 2
	       E1 - OSPF external type 1, E2 - OSPF external type 2, E - EGP
	       i - IS-IS, su - IS-IS summary, L1 - IS-IS level-1, L2 - IS-IS level-2
	       ia - IS-IS inter area, * - candidate default, U - per-user static route
	       o - ODR, P - periodic downloaded static route
	
	Gateway of last resort is not set
	``
	
	Cisco IOS IP Routing Protocols Command Reference, Release 12.4 (2005), at IP2R-553
		IPv4 Routing Chapter 23 IPv4
		
		Examples
		• This command displays IP routes learned through BGP.
		``
		switch>show ip route bgp
		Codes: C - connected, S - static, K - kernel,
		       O - OSPF, IA - OSPF inter area, E1 - OSPF external type 1,
		       E2 - OSPF external type 2, N1 - OSPF NSSA external type 1,
		       N2 - OSPF NSSA external type2, B I - iBGP, B E - eBGP,
		       R - RIP, A - Aggregate
		
		 B E 170.44.48.0/23 [20/0] via 170.44.254.78
		 B E 170.44.50.0/23 [20/0] via 170.44.254.78
		 B E 170.44.52.0/23 [20/0] via 170.44.254.78
		 B E 170.44.54.0/23 [20/0] via 170.44.254.78
		 B E 170.44.254.112/30 [20/0] via 170.44.254.78
		 B E 170.53.0.34/32 [1/0] via 170.44.254.78
		 B I 170.53.0.35/32 [1/0] via 170.44.254.2
		                             via 170.44.254.13
		                             via 170.44.254.20
		                             via 170.44.254.67
		                             via 170.44.254.35
		                             via 170.44.254.98
		switch>
		``
		
		Arista User Manual v. 4.13.6F (4/14/2014), at 1188

Copyright Registration Information	Cisco	Arista

Cisco IOS 15.2
 	
Effective date of registration:
 	
11/24/2014
	Usage Guidelines This command provides counter information for SNMP operations. It also displays the chassis ID string defined with the **snmp-server chassis-id** global configuration command.
	
	Command Examples The following is sample output from the **show snmp** command:
	
	``
	Router# show snmp
	Chassis: 12161083
	0 SNMP packets input
	    0 Bad SNMP version errors
	    0 Unknown community name
	    0 Illegal operation for community name supplied
	    0 Encoding errors
	    0 Number of requested variables
	    0 Number of altered variables
	    0 Get-request PDUs
	    0 Get-next PDUs
	    0 Set-request PDUs
	    0 Input queue packet drops (Maximum queue size 1000)
	0 SNMP packets output
	
	    0 Too big errors (Maximum packet size 1500)
	    0 No such name errors
	    0 Bad values errors
	    0 General errors
	    0 Response PDUs
	    0 Trap PDUs
	SNMP logging: enabled
	``
	
	Cisco IOS SNMP Support Command Reference (2011), at 95-96
		Configuring SNMP **Chapter 37 SNMP**
		
		``
		8 SNMP packets input
		    0 Bad SNMP version errors
		    0 Unknown community name
		    0 Illegal operation for community name supplied
		    0 Encoding errors
		    8 Number of requested variables
		    0 Number of altered variables
		    4 Get-request PDUs
		    4 Get-next PDUs
		    0 Set-request PDUs
		21 SNMP packets output
		    0 Too big errors
		    0 No such name errors
		    0 Bad value errors
		    0 General errors
		    8 Response PDUs
		    0 Trap PDUs
		SNMP logging: enabled
		    Logging to taccon.162
		SNMP agent enabled
		switch(config)#
		``
		
		Arista User Manual v. 4.13.6F (4/14/2014), at 1896

Cisco IOS 15.2
 	
Effective date of registration:
 	
11/24/2014
	Command Examples This example shows the output from the **show port-security** command when you do not enter any options:
	
	``
	Router# show port-security
	Secure Port MaxSecureAddr CurrentAddr SecurityViolation Security
	Action
	              (Count) (Count) (Count)
	--- 	
	  Fa5/1 11 11 0 Shutdown
	  Fa5/5 15 5 0 Restrict
	  Fa5/11 5 4 0 Protect
	
	Total Addresses in System: 21
	Max Addresses limit in System: 128
	Router#
	``
	
	Cisco IOS Security Command Reference Commands S to Z (July 2011), at 692
		Example
		• These commands enable MAC security on Ethernet interface 7, set the maximum number of assigned MAC addresses to 2, assigns two static MAC addresses to the interface, and clears the dynamic MAC addresses for the interface.
		
		``
		switch(config)#interface ethernet 7
		switch(config-if-Et7)#switchport port-security
		switch(config-if-Et7)#switchport port-security maximum 2
		switch(config-if-Et7)#exit
		switch(config)#mac address-table static 0034.24c2.8f11 vlan 10 interface ethernet 7
		switch(config)#mac address-table static 4464.842d.17ce vlan 10 interface ethernet 7
		switch(config)#clear mac address-table dynamic interface ethernet 7
		switch(config)#show port-security
		Secure Port MaxSecureAddr CurrentAddr SecurityViolation Security Action
		              (Count) (Count) (Count)
		--- 	
		  Et7 2 2 0 Shutdown
		--- 	
		``
		
		Arista User Manual v. 4.13.6F (4/14/2014), at 624

EXHIBIT D TO CISCO'S OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

02099-00004/7151381.1

Copyright Registration Information	Cisco	Arista

Cisco NX-OS 6.2
 	
Effective date of registration: 11/13/2014
	Examples This example shows how to display the SNMP information:
	
	``
	switch(config)# show snmp
	sys contact:
	sys location: anyplace, Anywhere
	
	0 SNMP packets input
	        0 Bad SNMP versions
	        0 Unknown community name
	        0 Illegal operation for community name supplied
	        0 Encoding errors
	        0 Number of requested variables
	        0 Number of altered variables
	        0 Get-request PDUs
	        0 Get-next PDUs
	        0 Set-request PDUs
	0 SNMP packets output
	        0 Too big errors
	        0 No such name errors
	        0 Bad values errors
	        0 General errors
	``
	
	Cisco Nexus 7000 Series NX-OS System Management Command Reference (2013), at 634.
		Example
		• This command configures *xyz-1234* as the chassis-ID string, then displays the result.
		
		``
		switch(config)#snmp-server chassis-id xyz-1234
		switch(config)#show snmp
		        Chassis: xyz-1234 <---chassis ID
		
		8 SNMP packets input
		        0 Bad SNMP version errors
		        0 Unknown community name
		        0 Illegal operation for community name supplied
		        0 Encoding errors
		        8 Number of requested variables
		        0 Number of altered variables
		        4 Get-request PDUs
		        4 Get-next PDUs
		        0 Set-request PDUs
		21 SNMP packets output
		        0 Too big errors
		        0 No such name errors
		        0 Bad value errors
		        0 General errors
		        8 Response PDUs
		        0 Trap PDUs
		SNMP logging: enabled
		        Logging to taccon.162
		SNMP agent enabled
		switch(config)#
		``
		
		Arista User Manual v. 4.14.3F – Rev. 2 (October 2, 2014), at 354.

Copyright Registration Information	Cisco	Arista
Cisco NX-OS 6.2 Effective date of registration: 11/13/2014	 Cisco Nexus 7000 Series NX-OS System Management Command Reference (2013), at 639.	 Arista User Manual v. 4.14.3F – Rev. 2 (October 2, 2014), at 1978.

02099-00004/7151381.1